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NOMINATIONS OF JOHN MICHAEL HAYDEN AND IVAN SELIN

HEARING

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

ONE HUNDRED SECOND CONGRESS

FIRST SESSION

ON

THE NOMINATION OF JOHN MICHAEL HAYDEN TO BE ASSISTANT SECRETARY FOR FISH, WILDLIFE, AND PARKS, DEPARTMENT OF THE INTERIOR

AND

THE NOMINATION OF IVAN SELIN TO BE A COMMISSIONER OF THE NUCLEAR REGULATORY COMMISSION

MAY 21, 1991

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NOMINATIONS OF JOHN MICHAEL HAYDEN AND IVAN SELIN

TUESDAY, MAY 21, 1991

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee met, pursuant to notice, at 2:30 p.m. in room 406, Dirksen Senate Office Building, Hon. Quentin Burdick [chairman of the committee] presiding.

Present: Senators Burdick, Chafee, Metzenbaum, Warner, Graham, Durenberger, and Simpson.

OPENING STATEMENT OF HON. QUENTIN N. BURDICK, U.S. SENATOR FROM THE STATE OF NORTH DAKOTA

Senator BURDICK. This committee meets today to hear first from Governor Mike Hayden, who has been nominated by the President to be the Assistant Secretary of the Interior for Fish, Wildlife, and Parks. Next, the committee will hear from Ivan Selin, who has been nominated to be Commissioner of the Nuclear Regulatory Commission.

I want to welcome you both to the hearing and I look forward to what you have to say.

If confirmed as Assistant Interior Secretary for Fish, Wildlife, and Parks, Governor Hayden, you would have responsibility for overseeing the National Park Service and the U.S. Fish and Wildlife Service. Governor Hayden will appear before the Energy and Natural Resources Committee later this week to discuss park issues. The Energy Committee shares jurisdiction with us over this nomination. This committee has jurisdiction over fisheries and wildlife and we will focus on the duties of the Interior Department, particularly the U.S. Fish and Wildlife Service, to conserve these resources.

The Interior Department's Assistant Secretary for Fish and Wildlife is charged with a number of key responsibilities including protection of the endangered species of wildlife habitat and conservation of water fowl, other migratory birds and sport fish, like salmon and stripped bass. These are important duties. Fish and wildlife are an essential part of the Nation's great natural heritage. One in four adult Americans fishes, one in ten adults hunts, and over half of us photograph or feed wildlife.

Most wildlife habitat is on farms and other private lands. If Governor Hayden is confirmed, he will have another important duty in working with farmers, landowners, and local officials to find ways

to sustain both abundant fish and wildlife resources and profitable agriculture.

Governor Hayden is well qualified for this position. He is educated in wildlife conservation and biology. He has over 20 years of experience in State Government. He has had a lifetime interest in outdoor recreation. Governor Hayden, if you are confirmed, I will watch with great interest to see how you do. I would also like to stand ready to help you do your job well.

OPENING STATEMENT OF HON. JOHN H. CHAFEE, U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Senator CHAFEE. Mr. Chairman, I want to join you in welcoming Governor Hayden. I had the chance to visit with him last week. First of all, I have a terrific prejudice in favor of any former governor.

[Laughter.]

I just feel they are well qualified to handle any responsibilities that are given them.

Second, as I told Governor Hayden when he came by, I think he's embarking on one of the best jobs in the U.S. Government. If, in addition, he gets paid for it, that's a bonus. His responsibilities will encompass stewardship of some of our most treasured scenic and historic areas, plus 90 million acres of irreplaceable wetlands and wilderness which fall within the National Wildlife Refuge System. So his decisions will be critical in a whole series of areas, areas that are controversial—endangered species, for example, protection of wetlands and open spaces, restoration of migratory bird population, and maintenance of our national parklands.

As you pointed out, Mr. Chairman, I think he has the unique qualifications for this job and we're fortunate, I believe, to be able to attract him to service in the U.S. Government. So I look forward to hearing his testimony and am certainly delighted that our two colleagues from Kansas will be here to introduce him.

Senator BURDICK. Do either of you want to say a word about this nominee?

STATEMENT OF HON. ROBERT DOLE, U.S. SENATOR FROM THE STATE OF KANSAS

Senator DOLE. We'd be happy to, Mr. Chairman. Since I'm senior, I'll go first.

First, I want to thank you, Mr. Chairman, for having these hearings in a very expeditious manner, and I want to thank Senator Chafee.

There's probably no higher honor afforded to members of the United States Senate than to introduce somebody you really know to your colleagues in the Senate for a very important job, and this is a very important job, as pointed out by Senator Chafee and by the Chairman. Mike Hayden comes to this table well qualified, no question about it. I would like to just give you a little background.

Mike was born and raised in the community of Atwood, KS, that's western Kansas. The Chairman would probably be more familiar with that than Senator Chafee, but it is a rural area, small town, hard work. From childhood, working on his family's farm in-

stilled in Mike his strong sense of conserving the natural treasures with which this great Nation was blessed. So strong were his desires to make a difference in protecting these resources that he earned a bachelor of science degree in wildlife conservation from Kansas State University in 1966.

Following college, Mike served his State and country for the first time as an infantry platoon leader and company commander. Again, Senator Chafee would understand being a platoon leader. He was ordered the Gallantry Cross, a soldier's medal for heroism, and the Bronze Star for his actions in Vietnam.

Following his return from military service, this decorated citizen taught as a graduate assistant at Fort Hays State University in Kansas while he earned a master's degree in biology.

Over the next 14 years, Mike Hayden served our State of Kansas for a second time by being elected to the State House of Representatives. He was elected by his colleagues to serve as Speaker of the House in both of his last two terms. Then in 1987, Mike began his third type of service when he took the oath of office as Governor of the State of Kansas. We're particularly pleased that he was the first Governor in the history of the State to be a professionally trained conservationist.

Governor Hayden has been the recipient of numerous awards, including being inducted into the Army Officer Candidate School Hall of Fame, being twice named by the Kansas Wildlife Federation as Legislator of the Year, and while Governor as Conservationist of the Year. He has also received the President's Award from the Nature Conservancy for initiating the Kansas Natural Historical Inventory.

Over the years, I have worked, and certainly Senator Kassebaum has worked, with Governor Hayden on a number of fish and wildlife issues. He understands the issues. In fact, he brought them to our attention, and I've just named three. All three of these were either initiated by then Governor Hayden or accomplished because of his interest and intervention. To educate the public on issues confronting us on fish and wildlife, Governor Hayden pushed for and received approval of Federal, State, local, and private funds to construct the Wichita Environmental Education Center. This Center, located in an urban area, will attune the public to the need to be concerned about our fish and wildlife resources, management practices, and threats to these resources.

When a drought seriously threatened what is arguably the most important wetland for migratory birds in the Western Hemisphere, Cheyenne Bottoms, Mike pushed the State and Federal agencies to work cooperatively to ensure this precious resource would be preserved. He has been in the forefront in seeking support for fish and wildlife mitigation on the Missouri River by the U.S. Army Corps of Engineers.

Mr. Chairman, Mike Hayden—Governor, legislator, and decorated soldier—is first and foremost a family man, an outdoorsman, and a conservationist dedicated to balance and common sense.

I have known and worked with him for more than 20 years, and can, without qualification, highly recommend him to this committee to serve as Assistant Secretary of the Interior for Fish, Wildlife, and Parks.

Senator BURDICK. Thank you.

STATEMENT OF HON. NANCY LANDON KASSEBAUM, U.S. SENATOR FROM THE STATE OF KANSAS

Senator KASSEBAUM. Mr. Chairman, I would like to ask that my statement be made a part of the record. It is difficult to add to Senator Dole's remarks because he has expressed so well why we feel strongly that former Governor Mike Hayden is such an extraordinarily qualified and exceptional candidate for this Assistant Secretary post, one of the most important I believe in the Interior Department.

I would just say, Mr. Chairman, that he comes from the part of the State that grows sunflowers. You and I have always joked about which State had more sunflowers, but he knows well the advantages of the crop in Kansas, which is always a bit uncertain.

I would like to add that with his great experience in State Government, his knowledge of conservation and wildlife, and actually growing up as a sportsman who loves the outdoors, I think he can balance very well the demands of the questions in the wildlife department and the National Parks System, the conservationists on one hand, the expansionists on the other, and the need to protect and to conserve. Frequently these run into not only support but also contention, and I think that he will bring to it a necessary balance that will be invaluable to us all.

[Senator Kassebaum's statement follows:]

STATEMENT OF HON. NANCY LANDON KASSEBAUM, U.S. SENATOR FROM THE STATE OF KANSAS

Mr. Chairman, members of the committee, it is a pleasure and a privilege to introduce Mike Hayden, President Bush's nominee to serve as Assistant Secretary of the Interior for Fish and Wildlife and Parks.

I have had the pleasure of knowing and working with Mike during his 18 years in State government, first as a State representative, then as speaker of the Kansas House and, during the last four years, as governor of the State of Kansas. It was during these years that the governor demonstrated his deep respect for the environment and his commitment to the wise use and conservation of our natural resources.

There is no question that the position the governor has been nominated to fill is one of the most difficult jobs in the Federal Government. It will be his responsibility to find the proper balance between competing interests and needs within our National Park System as well as the proper management of our Nation's wildlife resources through the U.S. Fish and Wildlife Service. The questions and issues he will face are daunting. More than a few are bound to be controversial.

That is why I am pleased that President Bush turned to a trained conservationist to fill the assistant secretary position. Not only has Mike earned his bachelor's and master's degrees in wildlife conservation and biology, he has also been educated in the school of the outdoors. He is an avid sportsman and learned important lessons in stewardship on his family farm in western Kansas. It is this background that has led environmental groups to endorse his nomination, while at the same time business leaders call him a fair and honest man. I believe this wide ranging support will be an invaluable asset at the Department of Interior.

I am fully confident that Mike Hayden will rise to meet the many challenges that face him as Assistant Secretary and will display the same commitment to excellence that has earned him the President's confidence. I wholeheartedly support his nomination and look forward to working with him in the future to enhance our country's natural resources.

Senator BURDICK. Thank you very much.

Senator Metzenbaum.

OPENING STATEMENT OF HON. HOWARD M. METZENBAUM, U.S. SENATOR FROM THE STATE OF OHIO

Senator METZENBAUM. Mr. Chairman, I have no comment on this particular nomination. I'm sure it's a good one, but I came over because Ivan Selin is the next nominee up and I won't be able to stay. I just wanted to say very briefly that I've known Mr. Selin for a number of years. I have great concerns about the Nuclear Regulatory Commission and our whole involvement in the nuclear energy field, but if anybody is in a position to bring to it an objective point of view in a business-like manner, I think Ivan Selin is. I am pleased to support his nomination by the President.

I appreciate you, Mr. Chairman, permitting me to say a word. And I apologize to you, Governor, for taking the time while you are before us. I am sure that you will be confirmed and do your job well.

Mr. HAYDEN. Thank you very much.

Senator BURDICK. Thank you.

Governor, do you have a statement?

STATEMENT OF JOHN MICHAEL HAYDEN, NOMINATED TO BE ASSISTANT SECRETARY FOR FISH, WILDLIFE, AND PARKS, U.S. DEPARTMENT OF THE INTERIOR

Mr. HAYDEN. Thank you, Mr. Chairman and members of the committee. It is a pleasure to be here today and for this opportunity to testify in behalf of my nomination to be Assistant Secretary of the Interior for Fish, Wildlife, and Parks.

As Senator Dole and Senator Kassebaum have said so well, I come before you today as someone from a farm family; several generations, in fact, of my family has been on the same land since nearly the turn of the century. I come from Kansas, a small, conservative, midwestern State but I was raised west of the 100th Meridian. In fact, I grew up closer to Denver and Cheyenne than to my own State Capitol. I grew up at my grandfather's side, fishing at the age of four and hunting at the age of ten.

This outdoor experience has sparked my love and respect for the environment and really drove me to major in environmental science. With university degrees in biology and wildlife management and a hitch in the U.S. Army as an Infantry Company Commander and Platoon Leader in Vietnam, I entered politics 18 years ago because of my concern for the environment. I served 14 years in the House of Representatives at the State level, 4 as chairman of the Ways and Means Committee, and 4 more as Speaker of the House. I remember as a young legislator being called by the Speaker o the phone to inform me that he was appointing me to the prestigious Ways and Means Committee. I told him I was flattered but quietly admitted that I really wanted a seat on the energy and Natural Resource Committee because of my concern about the environment.

I believe my commitment to the wise-use and conservation of our natural resources has been evident throughout all of my years of public service.

While a legislator, I sponsored the bill that created the Natural and Scientific Areas Act in Kansas. I later sponsored the resolution

creating the State program of Environmental Education in our elementary and secondary public schools.

In 1975 and again ten years later in 1985, I was named Conservation Legislator of the Year, and have a Grizzly Bear Award, as Senator Chafee does, which I cherish highly. In 1989 I received the Conservationist of the Year award from the Wildlife Federation and the President's Award from the Nature Conservancy. In fact, I have said that in the last Governor's race I was probably the only candidate in the Nation who was recognized by the Farm Bureau and the Sierra Club and, unfortunately, I still lost.

[Laughter.]

I also signed into law the first Kansas State Duck Stamp. I have long been active in Ducks Unlimited and it was my privilege to host Ducks Unlimited events on many occasions at the Governor's residence.

I believe balance and communication are very important at all levels. I am an advocate of the multiple-use policy whenever practical and possible. I aggressively have fought for funding for the soil conservation service, for watershed projects. In fact, one of my proudest accomplishments is what we call in Kansas, the "Multipurpose Small Lakes Program." And I was the first Governor in history to successfully get through the legislature a dedicated trust fund, if you will, for the State Water Plan. In fact, that Plan has now gained so much support that recently my successor vetoed one of the wetland projects in that plan. It resulted in the first override of a Governor's veto in Kansas in 15 years. In fact, the vote in the State Senate to override that veto was 36 to zero. That's how strong support now is in our State for the Water Plan which we helped institute.

I look forward to working for the President, an avid outdoorsman with a deep commitment to the environment. I look forward to working for Secretary Lujan with his vast experience in Congress and in the Federal Government and his sensitivity to the challenges the Department of Interior faces.

Having served many years in the legislature and as Governor, I am very familiar with the powers and duties of the legislative branch. I want to sincerely express my desire to work with Congress. You can rest assured I intend to work closely with this committee and its members and its staff. I am fully willing to testify whenever necessary. If I am confirmed, I will do whatever I can to communicate with each of you and the staff of this committee.

The challenges before the Department of Interior are many and the Fish and Wildlife Service and the National Park Service are two of the most active agencies in this Department. If confirmed, I hope to bring to the job a balance and a willingness to communicate and cooperate.

I was taught at a very young age that conservation means the wise use of our natural resources. My philosophy is best exemplified by the words of Teddy Roosevelt. He said, "There can be no greater issue than that of conservation in this country. Just as we must conserve our men and women and children, so we must conserve the resources of the land on which they live." I have always believed that each of us should strive to leave the wood pile stacked a little higher than we found it; that has always been my

philosophy and I look forward to raising it just a little bit higher through continued public service in the Department of Interior.

I ask you for your favorable consideration for this nomination, and will be glad to answer your questions.

Thank you.

Senator BURDICK. Thank you very much.

The Senator from the great State of Rhode Island.

Senator CHAFEE. Mr. Chairman, I know that Senator Warner is here and I wonder if he might introduce at this time Doctor Selin.

Stay right there Mike.

Senator BURDICK. We'll interrupt just a moment to hear Senator Warner's remarks.

Senator Warner.

OPENING STATEMENT OF HON. JOHN W. WARNER, U.S. SENATOR FROM THE COMMONWEALTH OF VIRGINIA

Senator WARNER. Thank you, Mr. Chairman, and thank you, Senator Chafee. I appreciate the opportunity. Senator Nunn and I are conducting a hearing now on the Gulf operation and I should return promptly.

Senator Chafee, this outstanding American needs no introduction to you because you and I had the privilege of serving with him in the Department of Defense in the early 1970's when he headed up an organization which we called "The Brain Trust". He is joined today by his lovely wife, his mother-in-law, and his son. There is a daughter to be found where?

Mr. SELIN. In Boston.

Senator WARNER. Mr. Chairman, and members of the committee, I am pleased and it is an honor for me to introduce Doctor Selin who has been nominated by the President to be Commissioner of the Nuclear Regulatory Commission. His impressive biography is a testimony to the enormous capabilities of this man who will serve the Administration and, indeed, the Nation with great honor and distinction, and I am absolutely confident of that.

Doctor Selin was sworn in as Under Secretary of State for Management on May 23, 1989, where he now serves as the principal advisor to the Secretary of State on all matters involving the allocation of State Department resources in support for the President's foreign policy objectives.

Prior to joining the State Department, Doctor Selin was the Chairman of the Board of American Management Systems, Inc., a very successful company which I outline in detail in my statement.

From 1960 to 1965, Doctor Selin was a research engineer at the Rand Corporation where he divided his time between national security issues and research material in statistical communication theory. He served as chairman of the Military Economic Advisory Panel to the Director of Central Intelligence from 1978 to 1989, was a member from 1979 to 1989, and chairman of the Board of Governors of the United Nations Association from 1988 to 1989. He was also a member of the Advisory Board of the USSR and Eastern Europe at the National Academy of Sciences, and has held other distinguished posts which I have detailed here fully.

In 1960, Doctor Selin received the distinction of a Ph.D. from Yale University in electrical engineering. In 1960–1961 he was a Fulbright Scholar, and in 1962 he received with highest honors a Dr. of Sciences degree from the University of Paris in mathematics. He speaks six languages and has travelled extensively. I might add, he speaks a seventh language; that is, he understands the Congress of the United States very well after having appeared here many times in various capacities.

As I stated, he is married to the lovely former Nina Cantor who joins us here today.

Mr. Chairman and members of t, Doctor Selin has gained enormous experience from his previous positions in both the private and public sectors. He is exceptionally well qualified to be the Commissioner of the Nuclear Regulatory Commission. It is my privilege to recommend him highly to the Senate. I do that based on a friendship and a professional relationship which goes back 21 years. It is a moving experience for me to have this opportunity to join with him and his family today. He shows great courage to take on this assignment, and I don't know of a wiser, better qualified individual the President of the United States could have turned to than Doctor Selin. I wish him well.

[Senator Warner's statement follows:]

STATEMENT OF HON. JOHN WARNER, U.S. SENATOR FROM THE COMMONWEALTH OF VIRGINIA

Mr. Chairman, and fellow members of the Senate Environment and Public Works Committee, I am pleased to introduce to you Dr. Ivan Selin who has been nominated by the President to be a Commissioner of the Nuclear Regulatory Commission.

His impressive biography is a testimony to the enormous capabilities of this man who will serve the Administration and this Nation with great honor and distinction.

Ivan Selin was sworn in as Under Secretary of State for Management on May 23, 1989, where he serves as the principal adviser to the Secretary of State on all matters involving the allocation of State Department resources in support for the President's foreign policy objectives.

Prior to joining the State Department, Dr. Selin was the chairman of the board of American Management Systems, Inc. (AMS), a computer systems, services, and consulting firm that he founded in 1970.

In his 19 years with AMS, the company grew into a publicly traded firm with revenues of $215 million per year, approximately the fifth largest independent firm in its industry in the United States.

Dr. Selin's principal responsibilities with the firm concerned corporate strategy and management. His primary area of expertise was in comprehensive financial management responsibilities while improving his ability to monitor and control the results.

From 1960 to 1965, Dr. Selin was a research engineer at the RAND Corporation, where he divided his time between national security issues and publishable research in statistical communication theory.

Dr. Selin has served as chairman of the Military Economic Advisory Panel to the Director of Central Intelligence (1978–1989; member (1979–1989) and chairman (1988–1989) of the Board of Governors of the United Nations Association-USA; member of the Advisory Board on the USSR and Eastern Europe at the National Academy of Sciences (1986–1988); and member of the Council on Foreign Relations (1979–present). He also has been extensively involved in activities directed against drug abuse.

In 1960, Dr. Selin received with distinction a Ph.D. from Yale University in electrical engineering. In 1960–1961 he was a Fulbright Scholar, and in 1962 he received with highest honors a Dr. of Sciences degree from the University of Paris in mathematics. He speaks six languages and has travelled extensively.

Dr. Selin has been married to the former Nina Cantor since 1957. They have two children, Jessica and Douglas.

Mr. Chairman, Ivan Selin has gained enormous experience from his previous positions in both the private and public sectors. He is exceptionally well-qualified to be a Commissioner of the Nuclear Regulatory Commission. It is my privilege to recommend him highly to the Senate.

Senator BURDICK. Thank you, Senator.

We'll turn back to Governor Hayden.

Senator Chafee, do you want to ask some questions?

Senator CHAFEE. Thank you, Mr. Chairman.

Governor Hayden, I've got a series of questions here that I'll direct to you. What do you see as the biggest challenge in the area that you're about to embark in? I know that you haven't held the job yet, so this puts you a little on the spot. First of all, I want to commend the President for having nominated you. You've got the talent and the background and, indeed, when you were working toward receiving your degree in wildlife management, it wasn't the "in" thing to do in those days. You were doing it when people weren't as concerned about the environment as they are today. So I commend your forethought. Obviously, you were doing it because you deeply believed in it, not to get some degree that would help you along in life.

But as you look at this job as Assistant Secretary, what do you expect to be your biggest challenges?

Mr. HAYDEN. Senator Chafee, as we look at this whole environment, this whole spaceship Earth, if you will, the challenges for those who have to deal with the management of our natural resources the greatest challenges probably come in the area of global change, the area of water quality and the loss of clean water, the area of clean air and deterioration of the atmosphere and this blanket of air, the precious blanket that surrounds this earth, the loss of habitat to our wild species. So in general, for those who manage natural resources probably our greatest challenge is that of degradation, the loss of the quality of those elements that are necessary to sustain a meaningful life on this earth for the human species, ourselves, and also for the other species with which we share the planet.

Senator CHAFEE. The President, as you know, has declared himself to be a proponent of the no net loss of wetlands and has committed our Administration to that. Do you expect in your job—I have every confidence you'll be confirmed in as Assistant Secretary—to play a role in working toward that no net loss of wetlands goal?

Mr. HAYDEN. I think the President set out a very laudable goal when he spoke of the no net loss. What it does is it brings to the forefront this issue of wetlands and the issue of the loss of this critical habitat that is occurring all across this country, in fact, all across the globe, and brings to the priority list his concern about this. And, yes, I expect to be as active a player in this arena as the President and the Secretary of Interior feel comfortable with me doing. I have worked in the area of wetlands for a long, long time in our State and I am anxious now to work in this arena on a nationwide basis.

Senator CHAFEE. I certainly hope that you'll be a salesman in this area because we need many, many voices. It all gets down to habitat. I agree with you that the efforts in conservation revolve

principally around habitat and, of course, the wetlands preservation is an important part of that.

Now we get into another area where there are going to be very heated conflicts as you proceed, and that is with endangered species. There are several species that are already listed as threatened—the Northern Spotted Owl being one—and those that are proposed to be listed as endangered, such as the Sockeye Salmon. I just hope that you'll use your influence to work constructively toward a resolution to protect these species. I believe in the Endangered Species Act. And if you find a resolution impossible, I hope you will inform this committee of your predicament and seek to work with us, if necessary, to try to work out the problems you might be confronted with.

Mr. HAYDEN. Yes, sir, Senator, I am glad to hear your words of encouragement and I want you to know that the lines of communication will always be open. I want you and your staff to feel free to call on me at any time and I, likewise, will try to communicate with this committee very often on these most difficult issues.

The Endangered Species Act is a very important and instrumental piece of legislation. Actually, at the time it was enacted by the Congress nearly 20 years ago, it was a very farsighted piece of legislation. Obviously, it is controversial. Any time we strive to protect these gene pools, if you will, that are very rare and very fragile, there is going to be conflict with other species, primarily the human species. But these are within our ability to resolve them and I want to work closely with you in that regard. I certainly believe in the Act and am very supportive of it.

Senator CHAFEE. I hope so because, after all, the purpose of the Act is to preserve and have the continued existence of both these endangered and threatened species.

Finally, I would like to say this to you, Governor. This committee is here to be helpful to you. This is not an antagonistic relationship. As a matter of fact, most of us are cheerleaders for what you're trying to do. In all too many instances, individuals come before us who are going to head departments or agencies, and they feel they should stay away from people that are liable to nail them to the wall. We're not here to nail you to the wall. We're here to help you achieve your goals. We believe in these goals. We believe in the Endangered Species Act or we wouldn't have passed it, or if we didn't like it we would have amended it. And so it is with the Clean Water Act and the Clean Air Act and all the other acts that you'll be dealing with, particularly the protection of our wildlife refuges. So I hope you'll come to us when you have difficulties and we'll try to be helpful.

Thank you very much, Mr. Chairman.

Senator BURDICK. Governor, do you know of any matters which you may not have already disclosed that might place you in any conflict of interest if you're confirmed in this position?

Mr. HAYDEN. Mr. Chairman, I know of no such matters.

Senator BURDICK. Are you prepared at the request of any duly constituted committee of the Congress to appear in front of it as a witness?

Mr. HAYDEN. Mr. Chairman, I am.

Senator BURDICK. What can we do to help fish and wildlife coexist with profitable agriculture?

Mr. HAYDEN. Mr. Chairman, let me say that I have wrestled with that virtually all of my life. I come from a farm family. My father and brother are still on the land, the same land that our family has been on for generations. At the same time, I've hunted and fished since I was old enough to carry a rod and a gun. In fact, profitable agriculture and wildlife can often times exist side by side. In fact, our farmers have been some of the pioneers in our conservation efforts—in soil conservation, in waterways, farm ponds, terracing, grass reseeding, the planting of trees on our land where they were deforested. I see a great opportunity to bring together the wildlife interests and the agricultural interests to keep that communication open so that they both prosper now and well into the next century.

Senator BURDICK. Thank you very much.

OPENING STATEMENT OF HON. DAVE DURENBERGER, U.S. SENATOR FROM THE STATE OF MINNESOTA

Senator DURENBERGER. Mr. Chairman, one brief comment if I may. I want to say I've had the pleasure of meeting Mike and spending a little time with him earlier. About the most appropriate thing I can think to say about him is if you close your eyes and just listen, you'll know he's qualified. He's just one of those very, very special people that I know.

When he came into my office and we started talking about the job, my first reaction was that he was overqualified and my second was how blessed we all are that the President has persuaded him to come from Kansas and spend some time at this particular undertaking. In my home State, we have a lot of the concerns that have been expressed here by various people. Those on this committee know how much I care about wetlands issues. If we're looking for somebody to help in the Department of the Interior, I don't think we can find a better person than the nominee. So I highly endorse his qualifications.

Senator BURDICK. Senator Graham.

OPENING STATEMENT OF HON. BOB GRAHAM, U.S. SENATOR FROM THE STATE OF FLORIDA

Senator GRAHAM. Thank you, Mr. Chairman.

I don't have any questions but I wish to commend Governor Hayden for accepting this position. Senator Chafee and I have a natural predisposition to think that former Governors are well qualified for almost any assignment. I am certain that is true of you.

Our State happens to be the home of a predecessor in this position, Mr. Nathanial Reed, a very close personal friend and advisor. One of the things that I most admired about Nat Reed's service in the position that you are about to assume is the sense of responsibility to be an educator, an advocate for our Nation's treasures of wildlife and parks. I sense that this is a role that you will be taking. I wish you well in it. Those beautiful areas of our country

need to have people who will speak up strongly on their behalf and I think they have found such a person in Governor Hayden.

Congratulations and best wishes.

Mr. HAYDEN. Thank you.

Senator CHAFEE. Mr. Chairman, I want to commend and echo the comments that Senator Graham made. I think it is very important, Governor Hayden, to remember that you are to be a salesman, an advocate. You have a bully pulpit here to press for the expansion of our parks, add new parks, add new wildlife refuges. Everybody else is out peddling their wares around this place and we want to see you out, too, trying to expand these areas. Just as you did so well in the preservation of the Cheyenne Wetlands in your own State, we hope you do likewise nationally because, as you so well pointed out in your remarks, it is habitat that means everything to preservation of wildlife. So we've got to do everything we can to obtain more. Every National Park we have is jammed. You can't even get into Yellowstone and Yosemite on some weeks during the summer, as you undoubtedly well know. So go to it and be a cheerleader.

Thank you.

[Responses from Mr. Hayden to additional questions and a committee questionnaire follow:]

Department of the Interior
18th and C Streets, N.W.
Washington, D.C. 20240

MAY 31 1991

Honorable Quentin N. Burdick
Chairman, Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed you will find my responses to the questions for the record following my confirmation hearing before the Senate Environment and Public Works Committee on May 21.

If I can be of further assistance to you, please let me know. I look forward to working with you in the future.

Sincerely,

John M Hayden

John M. Hayden
Assistant Secretary for Fish and
Wildlife and Parks-Designate

Enclosures

cc: Honorable John H. Chafee, Ranking Minority Member
Committee on Environment and Public Works
United States Senate

43-724 0 - 91 - 2

Assistant Secretary - Designate

Senator Baucus

1. Question: With respect to endangered species protection, do you think that we should take economic considerations into account more when deciding whether to list, and therefore protect, a species under the Act? How about when deciding whether a federal activity that affects a species' survival can go forward?

Answer: I support the Endangered Species Act and accept the provisions of the Act that require only the best scientific (biological) information be used to determine whether or not a species should be protected under the Endangered Species Act (Act). The biological status of a species, using the best available scientific information establishing whether a species is healthy or whether it is in question of surviving, should be the basis for determining whether the species is in need of protection and therefore whether it should be listed. The economic impacts of listing a species cannot negate or alter the primary biological question of whether a species' survival might be endangered or threatened. Economic impacts are considered under the Act after the biological question has been answered and when recovery planning and possible critical habitat designations are considered for listed species. Congress recognized costs and benefits must be weighed when determining critical habitat and required that cost estimates associated with the recovery of a species be included in species recovery plans.

I am informed that, under the Act, when a Federal agency determines its activities or proposed actions may affect a proposed or listed species, the action agency must consult with the Fish and Wildlife Service on the activity or action. If the Service determines an activity or proposed action would result in jeopardy to the species, it recommends reasonable and prudent alternatives that: 1) can be implemented in a manner consistent with the intended purpose of the action; 2) can be implemented consistent with the scope of the Federal agency's legal authority and jurisdiction; 3) are economically and technically feasible; and 4) the Service believes would avoid jeopardy or adverse modification to listed species or critical habitat, respectively. Then, the Federal agency could proceed with its activity or proposed action.

Assistant Secretary - Designate

Senator Baucus

2.a) Question: Do you agree with this view of the importance of the states in endangered species conservation?

Answer: Being a former Governor of a State which actively participated in the section 6 endangered species conservation program, I agree that good cooperative partnerships between the Federal agencies and the States and Territories are necessary for successful recovery and monitoring programs for endangered and threatened species.

2.b) Question: If so, what is your reaction to the fact that in 1977, $4 million was appropriated to carry out 21 cooperative agreements with states under section 6. Yet the Administration's request 15 years later for section 6 funding is only about $5.4 million to carry out roughly four times the number of cooperative agreements. Does that request seem in keeping with the expression of congressional intent?

Answer: While I cannot speak to the $4 million Congress appropriated in 1977, I can address the current Administration's budget proposal, which is $5.7 million. I am informed that in 1988 the Endangered Species Act was amended to provide for the Cooperative Endangered Species Conservation Fund (Fund), a permanent section 6 appropriation indexed at 5 percent of the Pittman Robertson/Wallop-Breaux accounts. This Administration's Fiscal Year 1992 Budget, which contains the largest section 6 funding request proposed by a President, requests funding from the new Fund account for the first time, rather than from the Resource Management account (which shows a decrease offset by an equal increase in the Fund account). The section 6 funds allocated to the States and Territories by the Service represent only a small portion of the funds spent on the recovery and monitoring program for endangered and threatened species. States must match the section 6 grants by 25 percent with either funds appropriated from State legislatures or revenues generated by private donations, tax return check-offs, and funds earned from special license plates. The Service's recent report, Federal and State Endangered Species Expenditures for Fiscal Year 1990, compiled reasonably identifiable expenditures totalling more than $102 million for the conservation of endangered and threatened species.

Senator Baucus

3. Question: With respect to the conservation of migratory birds other than waterfowl and the conservation of anadromous fish and fish habitat, do you think that the U.S. Fish and Wildlife Service and the Department of the Interior place about the right amount of priority on these matters, or too much, or too little?

Answer: Non-game migratory birds are a long standing interest of mine. The Fish and Wildlife Service and the Department have placed significant priority on conservation of these species. I will continue to be supportive of the high priority the Department has placed on these species. The Department has a high priority concerning conservation of anadromous fish species and their habitat. Whether the priority is the right amount, too much, or too little, I am not prepared to comment.

4. Question: With respect to the National Wildlife Refuge System, do you think that the present management of the units in this System is successfully preventing activities on refuge lands that are incompatible with the purposes for which the lands were acquired, or do you think that changes are needed?

Answer: Each refuge is uniquely different. I believe that management plans must comply with all laws passed by Congress concerning establishment of the refuge. Secondly, all management decisions should be based on sound wildlife management for each individual refuge.

Assistant Secretary - Designate

Senator Baucus

5. Question: What is your view of the importance of the role that the U.S. Fish and Wildlife Service and Department of the Interior play under section 404 of the Clean Water Act, which regulates the filling of wetlands and other waters?

Answer: I believe the Service and the Department fill an important role in section 404 permit actions. The Service and the Department have a great wealth of expertise in identifying impacts to fish and wildlife resources. In accordance with the Fish and Wildlife Coordination Act and section 404(m) of the Clean Water Act, the Service provides comments to the Corps of Engineers and the Environmental Protection Agency on matters relating to the section 404 program. I am informed that the Department, through the Service, serves as a consultant to the regulatory agencies by advising them on the values of affected wetlands, the impacts of proposed projects on fish and wildlife, on appropriate ways to minimize adverse impacts to fish, wildlife, and their habitats, and on compensatory mitigation for wetland losses that cannot be avoided or minimized. The Service's comments identify the relative function and value of wetlands as fish and wildlife habitat based upon site inspections, survey data, and/or habitat evaluations. I believe that wetlands are among our most important and productive habitats for fish and wildlife and that unnecessary losses should be avoided. However, when unavoidable losses do occur, mitigation based upon the relative habitat value and scarcity of the affected wetland should be the goal.

Assistant Secretary-Designate

Senator Chafee

1. Question: During his campaign, President Bush endorsed the concept of a dedicated trust fund for land acquisition. In the past, I have cosponsored legislation, the American Heritage Trust bill, which would use unappropriated Land and Water Conservation Funds to establish a dedicated trust fund for land acquisition. What are your views on such an idea? Would you be willing to work with me to develop a proposal for establishment of a dedicated trust fund for acquisition of open space and recreational, scenic and historic areas?

Answer: Acquisition of parklands for recreation and open space and protection of scenic and historic areas will be one of my stewardship priorities. I believe the existing Land and Water Conservation Fund, the Historic Preservation Fund, and the budget process will provide the means to achieve these goals. I will be happy to work with Congress to continue to make these funds available through the budget process.

2. Question: According to a 1988 report by the National Park Service, "Air Quality in the National Parks," all of the National Park Service monitoring stations in the lower 48 states, including many class I areas, show evidence of manmade pollution 90 percent of the time. Do you have any plans to address air pollution and visibility problems at class I parks and wildlife refuges? What steps do you feel should be taken to identify and clean up existing sources, such as the Navajo Generating Station, which is partially owned by the Bureau of Reclamation, a DOI agency?

Answer: I have been told that the Department of the Interior and the National Park Service have begun taking a more forceful stance in requiring reductions in air pollution around national parks to limit its effects. I intend to take a look at raising the priority on air quality in the U.S. Fish and Wildlife Service and to support the National Park Service stance. I will continue to fight aggressively potential threats to parks and refuges and will honor my responsibility to fully implement provisions of the Clean Air Act.

Assistant Secretary-Designate

Senator Chafee

3. Question: Agency expertise is crucial in modeling potential air pollution impacts, identifying pollution sources, and monitoring the environmental and public health impacts of air pollution. For example, in Virginia, there are between 15 and 30 new sources coming up for permit review. The NPS has already determined that two of these proposed plants, which have received permits from the State of Virginia, will have adverse impacts on Shenandoah NP, a park that already suffers from severe air pollution. Will you support the NPS taking the lead in determining required levels of protection? How far would you let the NPS go in contesting or appealing something by another agency, such as a state permitting authority?

Answer: I have been told that the recent adverse impact determination for sources in Virginia affecting natural resources at Shenandoah NP was published under the signature authority of the current Assistant Secretary for Fish and Wildlife and Parks. Thus, the Department is on record as concerned about the air quality in the affected areas. It is my understanding that the National Park Service has taken the lead on research and monitoring to provide the scientific bases for determining levels of protection for parks, particularly in the areas of visibility protection and protection of natural systems. Hopefully, this technical information will help provide the basis for policy decisions, including the decision to appeal a state or other federal agency decision. Again, I intend to be an advocate of the resource and its conservation and preservation.

4. Question: Protecting water resources and natural flows is absolutely crucial to the health of our national parks and wildlife refuges, and to serve the broad purposes of these areas -- such as ecosystem protection and public use. The Supreme Court, in United States v. New Mexico affirmed that the National Park Service Organic Act was uniquely specific in providing a basis for federal reserved rights. Yet, I understand that the Department of the Interior may be developing a water rights policy that restricts the NPS from asserting reserved rights based on general protection of park values. Would you be willing to support full reserved rights based on the Organic Act.

Answer: I am advised that the NPS is not revising or developing a new water rights policy. From my perspective the existing policy of the NPS is adequate to protect the water resources of the national park system.

I am concerned, as is the committee, over the protection of park resources, and am interested in pursuing NPS water rights to the extent recognized under Federal and state law.

Assistant Secretary-Designate

Senator Chafee

5. Question: Many national park units suffer from overcrowding and the impact of the automobile. Park visitation has grown 30-fold since the 1950's and the problems are getting worse. For example, due to severe congestion, Yosemite National Park has imposed a maximum limit of 5,000 vehicles in Yosemite Valley at any given time. Other national parks, such as Zion, where the majority of an extremely heavy visitor use is confined to a narrow valley crowded with vehicles and people, might benefit from shuttle bus systems. Rail service has been restored to some parks, such as the Grand Canyon. What are your views on: visitor impact management in the parks; reducing the impacts of visitors and the automobiles and, improving transportation systems in national parks?

Answer: I am advised that last year, the National Park Service (NPS) experienced some 260 million recreational visits. As the number of park visitors increase in the future, there may be a need to more effectively manage visitor impacts in some heavily used parks during peak visitor use seasons. I am told that for at least the near term, most parks will be able to accommodate all those who wish to visit, without threatening the park's natural and cultural resources or degrading the quality of the visitor experience.

I too am concerned about the impacts of increased vehicle activity in our parks. We must look for alternatives to the automobile as a means of accessing these resources.

Assistant Secretary - Designate

Senator Chafee

6. Question: The U.S. has over 500 species listed as threatened or endangered, with perhaps as many as 3,000 more suspected to be in trouble. We all recognize that a major factor driving the extinction of species is adverse modification and loss of habitat. What are your views on enforcing the Endangered Species Act?

Answer: I support the Endangered Species Act. If the scientific information available on the species indicates there is a need for protection under the Act, then the species should be listed. I believe this Administration understands its responsibilities to enforce the provisions provided by the Act to list species and to carry them out. I also recognize the need to work cooperatively to stabilize species and their ecosystems before they decline to a point where listing is necessary.

7. Question: As Governor of Kansas, you reorganized and combined the wildlife and parks agencies. I understand that the state's budget commitment increased to the new unified agency, and that more wildlife biologists were employed. Could you explain this reorganization and how it improved park management?

Answer: By combining the two agencies we were able to avoid duplication of administrative and other functions and were able to increase efficiency by coordinating the mission of the new agency. Park management was improved through this consolidation and we were able to cross-train park employees in wildlife management and law enforcement techniques. This training improved park employees' ability to manage all facets of their mission.

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Hayden (Last) John (First) Michael (Middle)

Position to which nominated: Assistant Secretary for Fish and Wildlife and Parks **Date of Nomination:** 4/19/91

Date of birth: 16/3/44 (Day) (Month) (Year) **Place of birth:** Colby, Kansas

Marital status: Married **Full name of spouse:** Patricia Ann Hayden

Name and ages of children:

Chelsi Kay Hayden	15
Anne Kelley Hayden	10

Education:

Institution	Dates attended	Degrees received	Dates of degrees
Atwood High School	1958-62	Diploma	May 1962
Kansas State Univ.	1962-66	B.S.	May 1966
Ft. Hays State Univ.	1971-74	M.S.	May 1974

Employment record: List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances.

Infantry Company Commander, U.S. Army, 1st Lt., Honorable Discharg 1967-70

Kansas House of Representatives, State Representative, 1972-86

Exec. Director, Rawlins County Promotional Council, 1973-76

Independent Insurance Agent, E.C. Mellick Agency, Atwood, Ks. 1977-86

Governor of Kansas, 1987-91

Employment record—Continued

Honors and awards: List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Military Bronze Star (OLC) Soldiers Medal

Army Commendation Medal, Air Medal

President's Award - Nature Conservancy 1988

Conservation Legislator of the Year 1975 & 1985

Kansas Conservationist of the year, 1988

Memberships: List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
Rotary International	1973 to Present	Member
American Legion	1970 to Present	Life Member
Veterans of Foreign Wars	1970 to Present	Life Member
*#Kansas Wildlife & Parks Fdn.	1990 to Present	Board Member
*#Sunflower Mallards	1991 to Present	Board Member

* Non-profit
# Prepared to resign upon confirmation.

Qualifications: State fully your qualifications to serve in the position to which you have been named.

B.S. degree in Wildlife Conservation

M.S. degree in Biology

14 years in State legislator

4 years as Speaker of the House

4 years as Governor of Kansas

Lifetime interest in outdoor recreation and parks.

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Yes, I will sever all connections with present employers.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

None

3. Has anybody made a commitment to you for a job after you leave government?

No

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

N/A

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

No

(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

None

Financial Statement:

1. Attach a copy of your Executive Personnel Financial Disclosure Report (SF 278).

2. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF 278, Schedule A.

Receipts from interest in Family Farm estimates to be less than $1,500 annually.

3. Are any assets pledged? (Add schedule).

No

4. Are you currently a party to any legal action?

No

5. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstances.

Yes

6. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

No

Potential conflicts of interest:

1. Describe any financial or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

No

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

None

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

None. However, if they arise I would contact the Office of Government Ethics in the Interior Department and follow their advice.

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

I will consult with the Office of Government Ethics in the Interior Department anytime a potential conflict arises or appearance of conflict arises.

Political affiliation and activities: List all memberships and offices held in, or financial contributions (in excess of $1,000), and services rendered to any political party or election committee during the last 10 years.

Kansas Republican Party, Executive Board Member 1983-91

Republican Governors Association, Chairman 1989; 1987-1991

Hayden for Governor Committee, 1986-91

Published writings: List the titles, publishers and dates of any books, articles, or reports you have written. (Please list first any publications and/or speeches that involve environmental or related matters.)

None

Additional Matters:

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

None

2. Do you agree to appear before all Congressional Committees which seek your testimony?

Yes

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

No

AFFIDAVIT

District of Columbia

John M. Hayden) ss. being duly sworn, hereby states that he/she has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

John M. Hayden

Subscribed and sworn before me this 25th day of April , 1991.

Elizabeth J. Shemwell
Notary Public

My Commission Expires March 31, 1992

Senator BURDICK. You know if you can't get into Yellowstone, you can come to Roosevelt National Park in North Dakota.

[Laughter.]

Thank you very much.

Mr. HAYDEN. Thank you, Mr. Chairman and members of the committee. I appreciate it very much and I sincerely look forward to working with all of you.

Senator BURDICK. The committee will next hear from Doctor Ivan Selin, the President's nominee to be a member of the Nuclear Regulatory Commission. I would like to welcome Doctor Selin and his family to this hearing.

The Senator from Rhode Island would like to say a word.

OPENING STATEMENT OF HON. JOHN H. CHAFEE, U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Senator CHAFEE. Yes, Mr. Chairman. It is my great privilege to also introduce to you as Senator Warner did Doctor Ivan Selin. Senator Warner and I actually have known Ivan Selin for the same length of time, something like 22 years. We both came to the Pentagon in the early part of 1969 where Ivan Selin already was. We were associated very closely for three-and-one-half years and I've known and worked with him since then. He's been active in Government for the past three years and before that was in business where I had the opportunity to see him and his family rather frequently.

I'm not going to review his background because that's all before you in his biography. I just want to say I think the U.S. Government is very fortunate to have the services of Doctor Selin, if confirmed and I'm confident he will be, in this new job as Chairman of the NRC. I have complete confidence in his judgment, in his character, in his objectivity, and in his ability to handle this position. Just as the distinguished Senator from Minnesota was pointing out that all you had to do was close your eyes and listen to Governor Hayden and you would know he's good for the job, if you sent to Central Casting for the best man to run this position, you'd end up with Ivan Selin. He has a scientific background, he has the brains, he has the experience in Government, and he also has extensive business experience. So I highly recommend him. I know him and his family, his lovely wife, Nina, and I can also report I've hired both of his children. When they were going through college, both of them worked for me, Jessica and Douglas, who is here now. If he had more, I'd hire more.

So I am a thousand percent in support of Ivan Selin for this job, Mr. Chairman.

Senator BURDICK. Thank you, Senator.

Senator DURENBERGER. Mr. Chairman.

Senator BURDICK. The Senator from Minnesota.

OPENING STATEMENT OF HON. DAVE DURENBERGER, U.S. SENATOR FROM THE STATE OF MINNESOTA

Senator DURENBERGER. Mr. Chairman, thank you. I am not on your subcommittee but I'm here because Nina made me come.

[Laughter.]

The reality is, as the two Senators have said who have known the Selins for a long period of time, there are probably more people in Washington that know Nina and Ivan and the rest of the family and yet as little is known about them as anybody in this city. I wish Alan Simpson were here to describe this city for you so that we could characterize the special greatness that all of us who have known them see in both Ivan and Nina—and you can't talk about one without the other—because they are everybody's friends.

My staff person, when asked to get some background material, went to one of the McGraw-Hill services and underlined for me these descriptions of Ivan Selin: Under Secretary of State for Management. Took his State Department post after becoming one of Bush's top 100 contributors. His background is technical and managerial not nuclear. His name has not been sent to the Hill yet but it is a done deal because he has already been confirmed. His reception within the industry is uncertain since he is a virtual unknown and is being appointed over a clear industry choice. This bunch of trash, so to speak, in no way describes what the two Senators have told us is the real Ivan Selin and how fortunate I think we all are.

In having read these excerpts, I just wish that if those who cover the people who are willing to take these jobs on knew them as well as some of us do, they would see that they would benefit in one way or another by the very quiet, insightful, smart way in which Ivan Selin will go about his job, and they would somehow say thank you to somebody, first for appointing him, then for supporting him, and then for listening to him, and then for doing what he tells us to do.

I would trust Ivan Selin's judgment on absolutely anything that I do in my responsibility as a United States Senator. I think once he applies himself to the needs of his country, something he doesn't have to do but insists on doing, he becomes quite a gift to all of us. So I highly recommend the nominee for the position for which he is willing to serve.

Senator BURDICK. Senator Graham.

Senator GRAHAM. Mr. Chairman, I do not have an opening statement. In the past few months, it has been my honor to serve as chairman of the Nuclear Regulatory Commission and the key role of the NRC in the process of reestablishing America's confidence in the nuclear industry has been underscored on a number of occasions. I am pleased that those who know Doctor Selin so well speak highly of him because those qualities of intellect and character will be most called upon in order to make decisions and judgments that will capture and maintain the confidence of the American people.

I have a few questions to ask following Doctor Selin's oral presentation.

Senator BURDICK. Thank you.

Doctor Selin, welcome and please proceed.

STATEMENT OF IVAN SELIN, NOMINATED TO BE COMMISSIONER, NUCLEAR REGULATORY COMMISSION

Mr. SELIN. Thank you, Mr. Chairman, Senators.

First of all, I would like to thank you all for the opportunity to have such a prompt hearing. It is a great courtesy that you allow me to appear before you so quickly.

I listened to Senator Chafee's introduction to Governor Hayden with great envy. Nobody has ever described the job upon which I hope to enter as something that I should pay the Government for the opportunity to have. It is a tough job but it's a wonderful time to be in this position. As you know, Mr. Chairman, the President has stated his intention, if I am confirmed, to designate me as the Chairman of the Commission.

If I might have my statement entered into the record, I'll just pick a few of the highlights and not go through the entire statement.

The functions of the NRC can touch any American at any time, as the President discovered the other day when he was prescribed a dose of NRC-regulated, radioactive iodine in an NRC licensed and NRC-inspected facility at the Bethesda Naval Hospital. Both on a national level and at the individual level, the NRC covers activities of interest to the whole country. Its mandate is entirely regulatory; it is emphatically not a promotional organization. This is a matter of statute law, the law, as Commissioner and Chairman, that I would be sworn to uphold. As Chairman of the NRC, I would see my duty as that of assuring that existing nuclear power plants are operated safely and with proper regard for national security and environmental issues. It would be especially my responsibility to assure that when and if new nuclear plants are built they are also constructed and operated with public health and safety, national security, and environmental protection as the paramount considerations.

The responsibility of the Commission is the safety of the public, both now and in the future. But safety is not exclusively the NRC's obligation. First and foremost, safety is the obligation of the nuclear industry. The industry should realize better than anyone that without demonstrable, consistent, proven safety, there will be no nuclear industry. Enlightened self-interest should be a powerful motivator for the nuclear industry to maintain its efforts to keep its own house in order. It is the NRC's duty as a regulator to assure that the industry lives up to this responsibility. And while the NRC and the nuclear industry have a common interest in a well-run, well-regulated nuclear power program, there should be no mistaking the ultimate regulatory responsibility for the decisions concerning the commercial nuclear industry that affect the health and safety of the public and the environment. The responsibility rests squarely with the Commission. The buck stops there.

Safety is not something that goes into a plant after it is designed and built. It needs to be built into the system right from the beginning. The NRC needs to work with the producers and manufacturers of nuclear power components so that they can know early in the process what regulatory requirements they must meet. Regulation, as I see it, is not a game of cops and robbers. In a sense, it is more analogous to medicine, in which the primary goal should be prevention rather than cure. Of course, when prevention fails, one needs to administer medicine—sometimes very strong medicine—

but I would like to see the focus on keeping problems from happening in the first place.

Which brings the question of how the Commission should operate. The Agency, as I said earlier, is not the promoter of nuclear power; rather, it sits as a judge, evaluating the proposals that others put forward. But I don't think the Commission is doing its whole job if it does no more than rule up or down on proposals as presented. The Agency must act aggressively to seek out not only the problems and flaws in what is proposed, the errors of commission, but also to search for the gaps, the errors of omission, which are sometimes much harder to find.

The Agency's first obligation of course is to the public, but the regulators have an obligation to the regulated community as well. Fairness goes without saying; as does the need for a predictable playing field. The Commission also needs to assure that there is consistency in the way it applies its regulations from one time to another and from one place to another. It has to assure that it does not impose expenses inadvertently, as for example through delay in the performance of regulatory responsibilities. Nor should the NRC add to the cost of its licensees' operations unnecessarily. Where safety improvements are needed, the NRC cannot hesitate to require them regardless of the cost. But unnecessary costs do not serve the industry nor the public, and ultimately wind up in electrical bills of ratepayers, so that another area—cost control—is where watchfulness by the NRC benefits everyone.

I want to stress particularly the NRC's obligations to inform the public. In my view, when it comes to licensing a nuclear facility, the judgment on safety of the technical experts—both in-house within the Commission staff and independent experts—deserves great weight. So is the endorsement of the NRC's decisions by reviewing courts. But in the long run, none of these will matter if the American public does not have confidence in the competence, the integrity, and the candor of the regulators who are making these decisions.

If confirmed, I would regard it as my obligation not only to keep the people's representatives in Congress fully and currently informed, as the law requires and as common sense dictates, but to increase the NRC's efforts to reach out to the public at large, to recognize how important public credibility is to the achievement of the Commission's regulatory goals.

I say that because I think that people want information about matters that touch their lives. They want to have their questions answered, they want to have a sense that they are being listened to before key decisions are made, and that they concerns and that their views matter. From my point of view, the NRC's mission to protect the health and safety of the public means just that—its client is the public, the millions of Americans who depend on the NRC both for sound decisions about nuclear safety, about nuclear waste, about the use of nuclear medicine for diagnosis and treatment; but also depend on the Commission for information that gives them confidence that these decisions are sound.

The NRC has an equal obligation to continue its efforts to reach out to the States, localities, and Indian Tribes that are affected by NRC decisions. As you well know, there is an agreement State pro-

gram under which the Commission has relinquished authority over materials licenses to 28 States. Even in such areas as nuclear reactors, where there are legal limits on the extent to which the Commission may yield decisional authority to any other entity——

Senator CHAFEE. Doctor Selin, I think in view of the fact that the second bell has rung for the vote, we had better adjourn this and we'll recess until we start again.

Senator CHAFEE. Senator Burdick will be back shortly and certainly I will and I hope Senator Graham can come back.

If you've got a question right now, Senator.

Senator GRAHAM. Doctor Selin, I'm not certain that I will be able to return. If I do not, I have some questions that I might wish to submit and hope that we would have an opportunity to either discuss them personally or to review your responses.

Mr. SELIN. Certainly. I would be pleased to discuss them in person if possible, if not, then for the record, Senator.

Senator GRAHAM. Thank you very much.

[Recess.]

Senator BURDICK. I regret that I was not here for your questioning. Do you have anything more to say?

Mr. SELIN. No, sir, Mr. Chairman. My written statement is available.

Senator BURDICK. Do you know of any matters which you may not have already disclosed which might place you in any conflict of interest if you are confirmed for this position?

Mr. SELIN. I do not, Mr. Chairman.

Senator BURDICK. Are you prepared at the request of any duly constituted committee of the Congress to appear in front of it as a witness?

Mr. SELIN. I am more than pleased to appear before any committee that cares to talk to me.

Senator BURDICK. Do you pledge to keep the Congress fully and currently informed as to NRC activities?

Mr. SELIN. I absolutely do, Mr. Chairman.

Senator BURDICK. What is your opinion of the NRC's policy on a radioactive waste below regulatory concern?

Mr. SELIN. Well, that's a highly controversial issue. The Commission recently, after running into a whole lot of discussion about whether its policy made sense, they engaged a coordinator, a consensus builder, who just delivered a report a week ago. I saw a copy of the report yesterday and so summarize the report it suggests that the Commission pull back on the policy and give a chance for a consensus to arise.

I just don't think that this is an issue that should be such a high priority with the Commission, certainly not such an issue that is so controversial that the Commission should pursue this terribly quickly and risk destroying the support and confidence of its main constituency, which is the Congress.

Senator BURDICK. Senator, do you have any further comment?

Senator CHAFEE. I do, Mr. Chairman.

I know that Senator Simpson was on his way here. He came over on the subway with me and then wanted to go back quickly to check on something. I hope we can delay a few minutes until he comes. But regardless of that, I have some questions.

Doctor Selin, I have never been enthusiastic about nuclear power. However, it has seemed to me that the system we currently have in our country is extremely unfair. I've been a neighbor, to some degree, of the Seabrook plant and for investors to put literally billions of dollars into a plant and then be unable to open the plant strikes me as something very fundamentally wrong in our society. I'm talking about the Seabrook plant now, what's the matter? It strikes me that those who build nuclear plants in the United States are confronted by a moving target. The safety regulations are a moving target. They put in Seabrook something approaching what, close to $3 billion; is that a fair estimate?

Mr. SELIN. Yes, sir. Probably more than that as a matter of fact.

Senator CHAFEE. And yet the length of time for the construction of that plant, not from design, but from breaking ground to testing—I don't think even yet they're supplying power to the system, or, if they are, it has just happened recently—must have been close to 11 years. What's the matter?

Mr. SELIN. The last license for a powerplant in this country that was built was issued in 1971. The last time a construction started on a plant which is operating was 1978. But there is a huge difference between the time that's spent between the time a utility says it is interested in power and it gets the go ahead versus the time that it takes after major construction money is being spent before power can be generated. In other words, I don't have any philosophical problem with the thorough examination of the utility's plans, their ability to use standard components, a full geological examination of the site before the utility be given approval to start major capital investments in a site. However, if we are to have a nuclear industry at all, it makes sense that the investors and the utilities have some confidence that once they do get the approval to start construction that they be reasonably sure, if they carry out their plan, if they meet the regulations of the Commission and the other bodies they have to deal with, that they will be able to start delivering power on a predictable schedule.

The Commission—I'm hardly an expert on this, but from my reading in the last few weeks, the Commission has spent a great deal of time working on a complicated process called a "One Step License," which has several components to it. The first component is to move from customized reactors to standardized reactors. We have today 111 nuclear reactors providing civilian power, there are 84 different designs, and even the ones that are built to the same design are enough different—to recall your time as Secretary of the Navy, Mr. Chafee, we might have a lot of submarines that in theory are the same design but when you get into it everyone is different from another one. Everyone of these plants is different. The philosophy is to move away from this situation and have a small number of standardized reactor designs where the design is certified in advance, so that when a utility wants to get a license, they can say we have the site, we've examined the site thoroughly at the cost of several tens of millions of dollars, we intend to use one of the pre-certified reactors and to put it into a standard configuration, and then the examination can begin.

Once the examination is complete, which would be expected to take several years, and a license is issued, it would be a combined

construction license and operating license. The operating license could be exercised only once the Commission had decided that the construction had been carried out according to the plan, which would be a number of years in the future. But at least the utilities and the investors could have the confidence that their major obstacles of a conceptual nature were behind them once these licenses were issued. Then, if they go from there on and do what they say they're going to do, they could have quite a high confidence that they would be allowed to operate and deliver power.

It is a fairly long answer but basically the concept is to use standardized components for, not so much a streamlined process, a process in which issues come up early in the proceedings that the public be satisfied, the regulators be satisfied that the plant will be safe, that licensing inspections be carried out throughout the construction process and thereafter, but that the utility knows that once these obstacles are past and it starts spending several billions of dollars of construction, that it will be permitted to go ahead and operate if it has carried out all of its promises. This is a very encouraging concept but there are a lot of questions to be answered before the concept can be turned into actual practice.

Senator CHAFEE. In the last part of your statement, you said the following: "The potential benefits for our country of having a range of energy options from which to choose are incalculable." But it has become apparent in this country that within that range of energy options there does not exist nuclear power, recently anyway. As I say, I have never been for nuclear power. I must say I am not a believer in never because we have now become involved in global warming; every other system that creates energy seems to have problems, so we look at nuclear power where the greatest downside, as far as I can tell, is what to do with the waste. That's been the restraining element as far as I am concerned; others have other concerns. But what bothers me is whether you're for it or against it. If the investors put in literally billions of dollars, in all fairness our Government and those who regulate the industry should not keep the changing the safety rules, if that is the problem, and apparently it has been the problem.

Another fact seems to come into play here and that is that opponents can constantly go to court and obtain restraining orders, injunctions, or delays that prevent the facility from going forward. Certainly that was the case in Seabrook, and the delays have done incalculable damage to the area, resulting in the bankruptcy of several of the power companies that were making the investment and which were called on to contribute more and more as the delays continued and the expenses rose. So what you're saying seems to me to make a lot of sense. In other words, have a standard acceptable design that others can go forward with and have all the geological tests, all the site inspection that's required, and once the go ahead is given, let the thing be built. Is that what they do abroad? I know that those other societies in France, Japan, and Germany are not as litigious as ours, but they seem to be able to get plants built and their safety record, at least so far, seems satisfactory.

Mr. SELIN. First, just a word on litigation. I don't really blame the courts or the people who go to the courts because if you look in

retrospect, our procedures have not been that clear. When every plant is different from another plant, you can't really say you have a standard licensing procedure because the procedure has to be adapted to the specific design. So partly because of the legislation, partly because of the regulations, partly because of the technology the parties really did not know what the issues were that they had to address and it was natural that they go to court. So I put a great deal of faith in the standardization process and in the licensing procedure to make clear to everybody—people in favor of the plants and against them; the industry, the ratepayers, and the neighbors—that they know what the rules are in advance. I'm quite confident that the courts are not looking for business; that if the rules are clear, the industry and the regulators follow the rules, I think the litigation will be a lot less.

In France you have 55 nuclear reactors that are currently producing commercial power, 51 of them come from an identical design. As a practical matter, what that means is whatever issues there are, they will be addressed rather early in the process and they won't keep coming up each time a new reactor is put on line. Of course the history in France, the sociology is different. It is a much more centralized government, the citizens don't have the same access to the regulators and to the courts as they do in the United States. That's part of our democratic tradition. We can't and shouldn't try to emulate France, but a lot of their success in putting nuclear reactors on line I think is because they have concentrated on a standardized design. The Japanese just announced yesterday that they've given a license to General Electric for what's called the Advance Boiling Water Reactor, which is, in fact, one of the two designs that is being considered for standard certification. So at the risk of some generalization, I think the Japanese are also interested in the idea of standardized designs and standardized construction. It is an uneven record abroad. You know the great problems they've had and are having in Eastern Europe, but there seems to be more reliance on standardization and I think that's a positive point.

Senator CHAFEE. Well, good luck to you in your new duties.

Mr. SELIN. Thank you, Senator.

Senator CHAFEE. Thank you, Mr. Chairman.

Senator BURDICK. The Senator from Wyoming.

Senator SIMPSON. Thank you, Mr. Chairman.

I greet our fine nominee. I have come to know him and to know his very delightful wife, Nina, and the children, Jessica and Doug. I really am very pleased that a person such as yourself will submit to such torture. No, no, that's not right. I slipped there.

[Laughter.]

It's a tough job. I've been here 12 years and I've watched the NRC Commissioners come and go. Thank heaven we've had some very able people. I hope that we never have another transient to visit like we did with Three Mile Island. That was a tough and grueling exercise that they put on the Commission right here in this room, seven camera hearings every day. That is not pleasant, especially when the Commission form of administration is not often the best, at least in my mind. There are only two left in the U.S. Government and you're headed for one of them. Yet you seem to be

doing that with relish. As I say, I am very thrilled that a person of your caliber would agree to take on a tough job.

I would ask you what challenges do you think you will face as a member of the Commission that you haven't experienced in your present role, having a great deal more independence, and in other agencies where the commission forum has not been acceptable or even workable?

Mr. SELIN. That's a very fair question. First of all, I would like to thank you, Senator, for the generosity of your introduction.

I know there has been a discussion about the commission form of operation as opposed to, say, the concept of the single administrator. I think the answer should be looked at in two ways. First of all is the day-to-day operation of the organization, and the second is the operation of the organization in terms of a crisis. I have been reading quite a bit about Three Mile Island and the response to it. The Commission did not distinguish itself any more than did a number of other organizations after the fact. But one lesson was learned in the reorganization of 1980 that President Carter put forward, which I'm assured by the Commission's general counsel has the force of law, and that is that in the case of a crisis, the chairman has vested in his or her hands all the authority that normally is exercised by the Commission as a whole. I hope we don't have a chance to exercise that question once again. But I do think that from an organization point of view, that renders moot the question of administrator versus commission as far as managing a crisis. The authority, the responsibility is clearly in the hands of one person and that's the Chairman of the Commission.

If I might just go on. When I was in business I had a board of directors I had to satisfy. When we made money, the board of directors thought I was a terrific fellow and when we made less money they had some questions about my skills. The same in the public sector. I don't think you'll ever be in the position, nor should you be in the position when you have the opportunity to really be an absolute manager. The question comes about where do the checks and balances come. Do they come beforehand or do they come afterwards.

The Commission has some weaknesses in a structural sense because you really do need to get votes on a whole lot of issues which apparently are not issues that in a different world you would consider policy issues but practical issues. That's clearly a strong weakness. On the other hand, the Commission structure has two advantages which I think should be taken very seriously before they're thrown out. The first, to put it very bluntly, is that the work of the Commission is reviewable by the Congress but it is not reviewable by the Administration. The regulations of the Commission, the actions of the Commission do not have to be passed by the White House or the Office of Management and Budget. That as far as the Executive Branch goes, broadly speaking, the Commission is the ultimate authority itself, subject to the laws passed by the Congress. To go to an administrator organization would give much more authority to the Administration and to the Executive Branch than it has to date. You can argue that EPA has made this transfer very successfully so clearly it can be done. But because the ultimate question is, "Does the public have confidence in the regula-

tory functions of the Nuclear Regulatory Commission?", there is a lot to be said for not making it subject to the kind of pressures that one might get from the White House or OMB.

The second is that I don't really know my future fellow Commissioners very well but, in general terms, the Chairman can run the Commission if he can convince two of the four other Commissioners that he knows what he's doing on a particular issue. That's not a trivial task, but at least all of the people on the Commission have more or less the same agenda, which is to regulate nuclear affairs, particularly nuclear power, and to communicate from the same starting position; whereas, in an administrator organization, you have to deal with a lot of people whose primary interest is not nuclear safety but whatever got them elected or appointed in the first place. I'm not saying that the single administrator isn't something worth looking into and it might make a lot of sense, but I would be reluctant to move away from a situation where I had to convince other people whose only real interest is also the safety of the people, and move towards a situation where people are looking to save a few dollars or to satisfy certain kinds of constituencies. There is a lot of internal clumsiness in a commission form but it does have a certain amount of isolation from pressures that I'm not sure are the right pressures for regulators to undergo.

Senator SIMPSON. I thank you. I have some questions, Mr. Chairman, which I think I'll just submit in writing. With regard to the issues of certification and the slippage there, I don't think that would be good. I didn't hear the Chairman's remarks, I was tardy, but I heard Senator Chafee speak of the standardization. I think that's very critical to the industry. As for issues of licensing and licensing fees, we put a heavy burden of user fees upon the small licensees and we want to be sure that that's not oppressive. I'm talking about those thousands of licensees out there. Those things are very important. I look forward to working with you on issues—such as the construction and operating license acceleration, with plenty of public input—that commit to what the NRC is all about, and that's the public health and safety. There is no other mission. I commend you and it is a great pleasure to see you here. I wish you well.

Mr. SELIN. Thank you very much, Senator.

Senator SIMPSON. I thank you, Mr. Chairman, for your courtesy and your swiftness in moving this along.

Senator BURDICK. Any further questions?

[No response.]

If not, the record will be held open for one week so that Senators may submit statements.

I want to thank you for your testimony here today.

Mr. SELIN. Thank you very much, Mr. Chairman.

Senator BURDICK. That concludes the hearing.

[Whereupon, at 3:55 p.m., the committee was adjourned, to reconvene at the call of the Chair.]

[Mr. Selin's prepared statement and responses to a committee questionnaire follow:]

OPENING STATEMENT OF IVAN SELIN

MR. CHAIRMAN, SENATORS, I APPRECIATE THE OPPORTUNITY TO SPEAK TO YOU TODAY WITH REGARD TO MY NOMINATION TO BE A COMMISSIONER OF THE NUCLEAR REGULATORY COMMISSION. THE PRESIDENT HAS STATED HIS INTENTION, IF I AM CONFIRMED, TO DESIGNATE ME AS NRC CHAIRMAN.

I KNOW I SHARE WITH YOU THE SENSE THAT THE NRC'S MISSION IS VITALLY IMPORTANT: ITS MISSION OF PROTECTING PUBLIC HEALTH AND SAFETY AFFECTS EVERY AMERICAN. THE NRC'S RESPONSIBILITIES ARE NOT JUST TO THIS GENERATION, NOR JUST TO THOSE WHO LIVE NEAR NUCLEAR POWER PLANTS -- ITS HEAVY RESPONSIBILITY EXTENDS TO GENERATIONS STILL TO COME, AS THE CITIZENS OF THE ENTIRE COUNTRY, ON A NATIONAL BASIS, CONFRONT THE DIFFICULT PROBLEMS OF MEETING THE NEED FOR ELECTRICAL GENERATING CAPACITY AND DEALING WITH NUCLEAR WASTE.

THE NRC'S FUNCTIONS CAN TOUCH ANY AMERICAN AT ANY TIME, AS THE PRESIDENT DISCOVERED THE OTHER DAY WHEN HE WAS PRESCRIBED A DOSE OF NRC-REGULATED RADIOACTIVE IODINE IN AN NRC-LICENSED AND NRC-INSPECTED FACILITY, THE BETHESDA NAVAL HOSPITAL. THUS, BOTH ON A NATIONAL AND AN INDIVIDUAL LEVEL, THE NRC'S DECISIONS HAVE CONSEQUENCES FOR REAL PEOPLE IN THE REAL WORLD.

THE NRC'S MANDATE IS EXCLUSIVELY REGULATORY: IT IS EMPHATICALLY NOT PROMOTIONAL. THAT IS A MATTER OF STATUTE LAW -- THE LAW THAT AS COMMISSIONER AND CHAIRMAN I WOULD BE SWORN TO UPHOLD. AS CHAIRMAN OF THE NRC, I WOULD SEE MY DUTY AS THAT OF ASSURING THAT EXISTING NUCLEAR POWER PLANTS ARE OPERATED SAFELY AND WITH PROPER REGARD FOR NATIONAL SECURITY AND FOR ENVIRONMENTAL VALUES. IT WOULD BE MY FURTHER RESPONSIBILITY TO ASSURE THAT WHEN AND IF NEW NUCLEAR PLANTS ARE BUILT, THEY ARE ALSO CONSTRUCTED AND OPERATED WITH PUBLIC HEALTH AND SAFETY, NATIONAL SECURITY, AND ENVIRONMENTAL PROTECTION THE PARAMOUNT CONSIDERATIONS.

THE NRC'S RESPONSIBILITY, THEN, IS THE SAFETY OF THE PUBLIC, BOTH NOW AND IN THE FUTURE. BUT SAFETY IS NOT JUST THE OBLIGATION OF THE NRC. IT ALSO RESTS WITH THE PROMOTERS OF NUCLEAR ENERGY, SUCH AS THE DEPARTMENT OF ENERGY. FIRST AND FOREMOST, HOWEVER, IT IS THE DUTY OF THE NUCLEAR INDUSTRY. THE NUCLEAR INDUSTRY SHOULD REALIZE BETTER THAN ANYONE THAT WITHOUT SAFETY -- DEMONSTRABLE, CONSISTENT, PROVEN -- THERE WILL BE NO NUCLEAR INDUSTRY. ENLIGHTENED SELF-INTEREST IS A POWERFUL MOTIVATION FOR THE NUCLEAR INDUSTRY TO MAINTAIN ITS EFFORTS TO KEEP ITS OWN HOUSE IN ORDER. IT IS THE NRC'S DUTY, AS A REGULATOR, TO ASSURE THAT THE INDUSTRY LIVES UP TO THAT RESPONSIBILITY. AND WHILE THE NRC AND THE NUCLEAR INDUSTRY HAVE A COMMON INTEREST IN A WELL RUN, WELL REGULATED NUCLEAR POWER PROGRAM, THERE SHOULD BE NO MISTAKING THAT THE ULTIMATE REGULATORY RESPONSIBILITY FOR THE DECISIONS CONCERNING THE COMMERCIAL NUCLEAR INDUSTRY THAT AFFECT THE HEALTH AND SAFETY OF THE PUBLIC AND THE ENVIRONMENT RESTS SQUARELY WITH THE NRC. THE BUCK STOPS THERE.

TO A GREAT EXTENT, THE NRC'S ROLE, AS I SEE IT, CONSISTS OF MAKING SURE THAT THE EFFORTS OF THE NUCLEAR INDUSTRY ARE BOTH DEEP ENOUGH AND BROAD ENOUGH TO SOLVE KNOWN PROBLEMS AND TO ASSURE THAT ATTENTION IS GIVEN TO IMPORTANT AREAS BEFORE PROBLEMS ARISE. THE NRC, OF COURSE, PERFORMS INTENSIVE EVALUATIONS OF INDIVIDUAL PLANTS, BUT IT MUST ALSO LOOK BROADLY AT AREAS SUCH AS TRAINING, WASTE MANAGEMENT, AND STANDARDIZATION. EVEN IN AREAS WHERE NRC MAY NOT NECESSARILY BE IN A POSITION TO COMPEL PARTICULAR ACTIONS, THERE IS NO REASON WHY THE AGENCY SHOULD NOT ENCOURAGE WHAT WE CONSIDER SOUND POLICIES AND PRACTICES ON THE PART OF THE REGULATED INDUSTRY.

SAFETY IS NOT SOMETHING THAT GOES INTO A PLANT AFTER IT IS DESIGNED AND BUILT. IT NEEDS TO BE BUILT INTO THE SYSTEM FROM SQUARE ONE. THE NRC NEEDS TO WORK WITH THE PRODUCERS AND MANUFACTURERS SO THAT THEY KNOW EARLY IN THE PROCESS THE REGULATORY REQUIREMENTS THEY MUST MEET. REGULATION, AS I SEE IT, IS NOT A GAME OF COPS AND ROBBERS; IN A SENSE, IT IS MORE ANALOGOUS TO MEDICINE, IN WHICH THE PRIMARY GOAL SHOULD BE PREVENTION RATHER THAN CURE. OF COURSE, WHEN PREVENTION FAILS, THEN ONE NEEDS TO ADMINISTER MEDICINE -- SOMETIMES STRONG MEDICINE -- BUT I WOULD LIKE TO SEE THE FOCUS ON KEEPING PROBLEMS FROM HAPPENING IN THE FIRST PLACE.

BY LETTING THE INDUSTRY KNOW WHAT IS EXPECTED OF IT -- MEASURING OFF THE "PLAYING FIELD" IN ADVANCE, SO TO SPEAK -- I BELIEVE EVERYONE'S INTEREST IS SERVED. FOR THE PUBLIC ALSO WANTS TO KNOW IN ADVANCE WHAT TO EXPECT WHEN NEW NUCLEAR POWER PLANTS ARE PLANNED AND LICENSED: WHAT THE

SAFETY STANDARDS WILL BE, WHAT THE ENVIRONMENTAL IMPACTS WILL BE, WHAT THE LIKELY COSTS WILL BE TO THEM AS RATEPAYERS. AND THEY ARE RIGHT TO WANT TO KNOW THAT.

HOW SHOULD THE NRC OPERATE? THE AGENCY, AS I SAID EARLIER, IS NOT THE PROMOTER OF NUCLEAR POWER -- RATHER, IT SITS AS A JUDGE, EVALUATING THE PROPOSALS THAT OTHERS PUT FORWARD. BUT I DO NOT THINK THAT THE NRC IS DOING ITS JOB IF IT DOES NO MORE THAN RULE UP OR DOWN ON PROPOSED DESIGNS THAT ARE SUBMITTED TO IT. THE AGENCY MUST BE ACTING AGGRESSIVELY TO SEEK OUT NOT ONLY THE PROBLEMS AND FLAWS IN WHAT IS PROPOSED -- THE ERRORS OF COMMISSION -- BUT ALSO TO SEARCH FOR THE GAPS, THE ERRORS OF OMISSION, WHICH ARE SOMETIMES MUCH HARDER TO FIND. FOR THE NRC AS REGULATORS -- JUST AS FOR THE INDUSTRY IT REGULATES -- COMPLACENCY IS A LUXURY IT CANNOT AFFORD. THE SAME IS TRUE OF NRC'S RESPONSIBILITY FOR THE PLANTS ALREADY OPERATING.

THE AGENCY'S FIRST OBLIGATION IS OF COURSE TO THE PUBLIC, BUT AS REGULATORS IT HAS AN OBLIGATION TO THE REGULATED COMMUNITY AS WELL. FAIRNESS GOES WITHOUT SAYING; AND I HAVE ALREADY DISCUSSED THE NEED FOR A PREDICTABLE PLAYING FIELD. THE NRC ALSO NEEDS TO ASSURE THAT THERE IS CONSISTENCY IN THE WAY IT APPLIES ITS REGULATIONS, FROM ONE TIME TO ANOTHER AND FROM ONE PLACE TO ANOTHER. THE AGENCY HAS TO ASSURE THAT IT DOES NOT IMPOSE EXPENSES INADVERTENTLY, AS FOR EXAMPLE THROUGH DELAY IN THE PERFORMANCE OF REGULATORY RESPONSIBILITIES. NOR SHOULD THE NRC ADD TO ITS LICENSEES' COSTS UNNECESSARILY. OF COURSE, WHERE SAFETY IMPROVEMENTS ARE

NEEDED, THE NRC SHOULD NOT AND CANNOT HESITATE TO REQUIRE THEM. BUT UNNECESSARY COSTS DO NOT SERVE INDUSTRY, DO NOT SERVE THE PUBLIC, AND ULTIMATELY THEY WIND UP ON THE ELECTRIC BILLS OF RATEPAYERS, SO THAT IS ANOTHER AREA WHERE WATCHFULNESS BY THE NRC BENEFITS EVERYONE.

FINALLY, THE AGENCY HAS AN OBLIGATION TO ITS LICENSEES TO ASSURE STATE-OF-THE ART TECHNICAL EXCELLENCE. FROM ALL I AM TOLD, THE NRC TECHNICAL STAFF IS QUITE COMPETENT -- TO THE DEGREE THAT REGULATORY BODIES AROUND THE WORLD REGULARLY DRAW ON ITS EXPERTISE -- BUT THE NRC HAS TO MAKE SURE THAT EDGE OF EXCELLENCE IS MAINTAINED OR EXPANDED. HERE AGAIN, NO DISTINCTION CAN BE MADE BETWEEN WHAT SERVES THE NRC'S LICENSEES AND WHAT SERVES THE PUBLIC. FOR WHATEVER THE CONFLICTS BETWEEN VARIOUS SCHOOLS OF THOUGHT ON NUCLEAR POWER, IT IS IN EVERYONE'S INTEREST TO ASSURE THE SAFETY OF ALL PLANTS, THOSE NOW LICENSED AND THOSE OF THE FUTURE, AS WELL AS THE SAFETY OF THE HIGH-LEVEL WASTE THEY PRODUCE.

SAFETY IS OBVIOUSLY THE PARAMOUNT CONSIDERATION; ALSO OF ENORMOUS IMPORTANCE IS THE OBLIGATION TO INFORM THE PUBLIC ABOUT SAFETY. THE PUBLIC HAS A RIGHT TO KNOW THE FACTS ABOUT THE NRC AND ABOUT NRC-LICENSED ACTIVITIES. THE PUBLIC NEEDS TO KNOW WHAT THE NRC DOES AND WHY: ITS STRENGTHS, ITS WEAKNESSES, AND THE LIMITATIONS OF ITS ROLE, VIS-A-VIS THAT OF ITS LICENSEES, IN ASSURING PUBLIC HEALTH AND SAFETY. IF THINGS GO WRONG, THE PUBLIC MUST OF COURSE BE TOLD PROMPTLY AND CANDIDLY. AND BY THE SAME TOKEN, WHEN THINGS GO WELL, THE PUBLIC HAS A RIGHT TO KNOW THAT ALSO.

THE AGENCY'S GOAL SHOULD BE TO PROVIDE REALISTIC ASSESSMENTS AT ALL TIMES BOTH OF THE REGULATED INDUSTRY AND ABOUT ITS ACTIONS AS REGULATORS.

I WANT TO STRESS PARTICULARLY THE NRC'S OBLIGATION TO INFORM THE PUBLIC. IN MY VIEW, WHEN IT COMES TO LICENSING A NUCLEAR FACILITY, THE JUDGMENT ON SAFETY OF THE TECHNICAL EXPERTS -- BOTH IN-HOUSE AND INDEPENDENT EXPERTS -- DESERVES GREAT WEIGHT. SO IS THE ENDORSEMENT OF THE NRC'S DECISIONS BY REVIEWING COURTS. BUT IN THE LONG RUN, NONE OF THESE WILL MATTER IF THE AMERICAN PUBLIC DOES NOT HAVE CONFIDENCE IN THE COMPETENCE, THE INTEGRITY, AND THE CANDOR OF THE REGULATORS WHO ARE MAKING THE DECISIONS. IF CONFIRMED, I WOULD REGARD IT AS MY OBLIGATION NOT ONLY TO KEEP THE PEOPLE'S REPRESENTATIVES IN CONGRESS "FULLY AND CURRENTLY INFORMED," AS THE LAW REQUIRES, BUT TO INCREASE THE NRC'S EFFORTS TO REACH OUT TO THE PUBLIC AT LARGE, TO RECOGNIZE HOW IMPORTANT PUBLIC CREDIBILITY IS TO THE ACHIEVEMENT OF ITS REGULATORY GOALS.

I SAY THAT BECAUSE I THINK THAT PEOPLE WANT INFORMATION ABOUT MATTERS THAT TOUCH THEIR LIVES. THEY WANT TO HAVE THEIR QUESTIONS ANSWERED. THEY WANT TO HAVE A SENSE THAT THEY ARE BEING LISTENED TO BEFORE KEY DECISIONS ARE MADE, AND THAT THEIR CONCERNS AND VIEWS MATTER. FROM MY POINT OF VIEW, THE NRC'S MISSION TO PROTECT THE HEALTH AND SAFETY OF THE PUBLIC MEANS JUST THAT: ITS CLIENT IS THE PUBLIC, THE MILLIONS OF AMERICANS WHO DEPEND ON THE NRC BOTH FOR SOUND DECISIONS -- ABOUT NUCLEAR SAFETY, ABOUT NUCLEAR WASTE, ABOUT THE USE OF NUCLEAR MEDICINE FOR DIAGNOSIS AND TREATMENT -- AND FOR THE INFORMATION THAT GIVES THEM CONFIDENCE THAT THOSE DECISIONS ARE SOUND.

THE NRC HAS AN EQUAL OBLIGATION TO CONTINUE ITS EFFORTS TO REACH OUT TO STATES, LOCALITIES, AND INDIAN TRIBES THAT ARE AFFECTED BY NRC DECISIONS. THERE IS, AS YOU KNOW, AN AGREEMENT STATE PROGRAM UNDER WHICH NRC HAS RELINQUISHED AUTHORITY OVER MATERIALS LICENSES TO 28 STATES. EVEN IN AREAS, SUCH AS NUCLEAR REACTORS, WHERE THERE ARE LEGAL LIMITS ON THE EXTENT TO WHICH THE NRC MAY YIELD DECISIONAL AUTHORITY TO ANY OTHER ENTITY, I WOULD CONSIDER COOPERATION WITH THESE ENTITIES TO BE A HIGH PRIORITY, AND AN IMPORTANT ASPECT OF THE GOAL OF FOSTERING PUBLIC CREDIBILITY FOR NRC DECISIONS.

FINALLY, ON A MORE PERSONAL NOTE, I WOULD LIKE TO SAY A WORD ABOUT HOW I VIEW THE JOB OF NRC CHAIRMAN, WHAT I WOULD HOPE TO ACCOMPLISH IN TERMS OF MY OWN GOALS OF SERVICE TO THIS COUNTRY. PERHAPS AS MUCH TODAY AS AT ANY TIME IN THE PAST, THE AMERICAN PUBLIC IS AWARE OF HOW IMPORTANT IT IS TO PLAN FOR THE ENERGY NEEDS OF THE FUTURE, AND HOW ESSENTIAL IT IS TO PRESERVE THE QUALITY OF LIFE AND THE QUALITY OF THE ENVIRONMENT FOR OUR DESCENDENTS TO ENJOY AND PASS ALONG TO THEIR DESCENDENTS. THESE ISSUES MAY SOUND COSMIC IN THEIR SCOPE, BUT THEY COME DOWN TO QUITE PRACTICAL, NUTS AND BOLTS DECISIONS: WHERE WILL OUR REGION, OR OUR STATE, OR OUR COMMUNITY OBTAIN THE GENERATING POWER WE NEED? WHAT ARE OUR OPTIONS IN TERMS OF THE KINDS OF FACILITIES WE BUILD? ARE THEY SATISFACTORY FROM THE STANDPOINT OF HEALTH, SAFETY, AND ENVIRONMENT? ARE THEY ACCEPTABLE TO OUR CITIZENS? CAN THEY BE CONSTRUCTED WITHOUT UNDUE DELAY AND COST?

THESE ARE HARD-HEADED, PRAGMATIC CHOICES THAT WILL AFFECT THE WAY AMERICANS LIVE THEIR LIVES FOR GENERATIONS TO COME. THE GROUNDWORK FOR THESE CHOICES IS BEING LAID TODAY, IN PART THROUGH NRC REGULATORY DECISIONS THAT WILL AFFECT WHAT OPTIONS ARE AVAILABLE AND ACCEPTABLE. MY PREDECESSORS AT THE NRC HAVE MADE GREAT PROGRESS IN THIS DIRECTION, PARTICULARLY IN ENCOURAGING THE DEVELOPMENT OF STANDARDIZED PLANTS, WHICH FOR A REGULATOR MAKES GOOD SAFETY SENSE, JUST AS FOR INDUSTRY THEY MAKE GOOD ECONOMIC SENSE. PROGRESS HAS BEEN MADE AS WELL IN UPDATING THE LICENSING PROCESS TO FIT THE NEEDS OF A MORE MATURE INDUSTRY. BUT I SEE MUCH MORE TO BE DONE IN INCORPORATING THIS PROGRESS INTO THE FABRIC OF HOW THE NRC DOES BUSINESS.

THE POTENTIAL BENEFITS FOR OUR COUNTRY OF HAVING A RANGE OF ENERGY OPTIONS FROM WHICH TO CHOOSE ARE INCALCULABLE. FROM MY POINT OF VIEW, THE PROSPECT OF BEING AT NRC TO EFFECT POSITIVE CHANGE IN WHAT I SEE AS A CRITICAL ERA FOR AMERICA'S ENERGY FUTURE, IS PERSONALLY EXCITING AND FOR A PUBLIC SERVANT, DEEPLY REWARDING.

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: SELIN (Last) Ivan (First) NMI (Middle)

Position to which nominated: Commissioner Nuclear Regulatory Commission

Date of Nomination: April 22, 1991

Date of birth: 11 March 1937 (Day) (Month) (Year)

Place of birth: New York, New York

Marital status: Married

Full name of spouse: Nina Evvie Cantor

Name and ages of children:

Douglas Scott Selin	27
Jessica Beth Selin	24

Education:

Institution	Dates attended	Degrees received	Dates of degrees
University of Paris	1960-1962	Dr. es Sciences	1962
Yale University	1958-1960	Ph.D.	1960
Yale University	1957-1958	M.S.	1958
Yale University	1952-1957	B.E.	1957

Employment record: List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances.

1/89 to Present - Under Secretary for Management
Department of State, Washington, D.C.

2/70 to 1/89 - Chairman of the Board, American Management Systems, Inc., 1777 N. Kent St., Arlington, Virginia 22209

4/65 to 2/70 - Analyst/Acting Assistant Secretary, Office of the Secretary of Defense, Pentagon, Washington, D.C. 20301

Employment record—Continued

6/60 to 4/65 - Researcher, RAND Corporation, 1700 Main Street, Santa Monica, CA 90406

Honors and awards: List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

1952-1954 - Ford Scholar

1955 - Tau Beta Pi -- Engineering Honor Society

1956 - Sigma Xi -- Scientific Honor Society

1960-1961 - Fulbright Scholar

1970 - Secretary of Defense Distinquished Civilian Service Medal

Memberships: List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
USA-UNA Board of Governors	Chairman (1988)	1979-Jan. 1989
USA-UNA Panel on Conventional Arms Transfers		1977
USA-UNA Panel on Parallel Studies with the USSR		1978-Jan. 1989
Council on Foreign Relations (including Chair of Study Group on Nuclear Strategy and Forces)		1979-Present
Young President's Organization		1980-1988

PLEASE SEE CONTINUATION SHEET 2

MEMBERSHIPS (Continued)

Member, Board on Telecommunications and Computer Applications, National Academy of Sciences		1985-1988
Member, Advisory Board on the USSR and Eastern Europe, National Academy of Sciences		1986-1988
Federal City Council, Trustee and Leader of Task Force on Heroin		1980-Jan. 1989
Greater Washington Research Center, Executive Committee		1980-Jan. 1989
The American Council on Marijuana and Other Psychoactive Drugs, Inc., Member of the Board of Directors	Finance Director	1982
Greater Washington Corporation Against Drug Abuse	President	1988-Present
Trustee, Washington Support Center		1987-Jan. 1989

Qualifications:

State fully your qualifications to serve in the position to which you have been named.

Proven career as a government manager.

Proven career as a business manager in a technical area (computer software and services)
Strong technical background in science (Doctorate, Paris) and electrical engineering (Ph.D., Yale)

Fair knowledge of energy issues from work as consultant to Department of Energy and its predecessors.

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Yes.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

I have no such plans.

3. Has anybody made a commitment to you for a job after you leave government?

No.

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

Yes.

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

N/A

(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

Currently PAS as Under Secretary for Management.

Leaving to move to Nuclear Regulatory Commission.

Financial Statement:

1. Attach a copy of your Executive Personnel Financial Disclosure Report (SF 278).

2. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF 278, Schedule A.

None.

3. Are any assets pledged? (Add schedule).

No.

4. Are you currently a party to any legal action?

No.

5. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstances.

Yes.

6. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

Yes. Minor adjustments.

Potential conflicts of interest:

1. Describe any financial or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

None.

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

None.

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

N/A

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

I will comply fully and without reservation.

Political affiliation and activities: List all memberships and offices held in, or financial contributions (in excess of $1,000), and services rendered to any political party or election committee during the last 10 years.

Participant in Bush-Quayle Campaign, as a volunteer on national security affairs.

10/23/87 - Californians for Pete Wilson - $1,000.00

3/23/88 - John Chafee - $1,000.00

4/19/88 - Metzembaum for Senate - $1,000.00

6/24/88 - The Presidential Trust - $20,000.00

Published writings: List the titles, publishers and dates of any books, articles, or reports you have written. (Please list first any publications and/or speeches that involve environmental or related matters.)

No environmental material.

Book - "Detection Theory", published in 1963.

All professional material in information theory, published before 1970.

Additional Matters:

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

None.

2. Do you agree to appear before all Congressional Committees which seek your testimony?

Yes.

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

No.

AFFIDAVIT

Ivan Selin, ss, being duly sworn, hereby states that he/she has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

Subscribed and sworn before me this 26th day of April, 1991.

Joan L. VanDeLyke
Notary Public

My Commission Expires April 14, 1996